



ZONING BOARD OF APPEALS SHREWSBURY, MASSACHUSETTS AGENDA

Regular Meeting: Tuesday, May 26, 2015, 6:30 PM

Location: Old Selectmen's Room – Municipal Office Building – 100 Maple Avenue

1. Review and Approve Minutes

2. Sign Bills

3. Public Hearings

6:30 PM 1 Lahinch Lane – Herbert & Kelly Lade
Special Permit – Deck (side setback)

196 Main Street – Craig Hokanson
Use Variance – Continuation of chiropractic & massage therapy business

40 Eastern Point Drive – Eastern Point Condominium Trust
Variance – Shed (front setback & proximity to dwelling unit)

7:00 PM 193 Boston Turnpike – Douglas Thomson
Variance – Outdoor retail sales

4. New Business 136 Prospect Street – Birch Brush Realty Trust/Khaja Shamsuddin – *Request for Withdrawal*
Variance – Lot size

5. Old Business Master Plan Update

6. Correspondence

TOWN OF SHREWSBURY
ZONING BOARD OF APPEALS
PUBLIC HEARINGS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA

May 26, 2015 6:30 PM

To hear the appeal of Herbert and Kelly Lade, 1 Lahinch Lane, Shrewsbury MA, for a Special Permit to the Town of Shrewsbury Zoning Bylaw under Section IV-B, to remove and replace an existing non-conforming deck 26 feet from the side property line in the Rural A District upon property located at 1 Lahinch Lane. The subject premise is described on the Shrewsbury Assessor's Tax Plate 36 Plot 104.

May 26, 2015 6:30 PM

To hear the appeal of Dr. Craig Hokanson, 196 Main Street, Shrewsbury MA, for a Variance to the Town of Shrewsbury Zoning Bylaw Section VI-Table I, to allow a chiropractic and massage therapy business in the Rural B District upon property located at 196 Main Street. The subject premise is described on the Shrewsbury Assessor's Tax Plate 20 Plot 2-5.

May 26, 2015 6:30 PM

To hear the appeal of Eastern Point Condominium Trust, 120 Shrewsbury Street, Boylston MA, for two Variances to the Town of Shrewsbury Zoning Bylaw under Section VII-Table II and Section VII-C, to construct an 8 foot x 12 foot utility shed 13.2 feet from the front property line and 4 feet away from residential building number 39 in the Multi-Family-2 District upon property located at 40 Eastern Point Drive. The subject premise is described on the Shrewsbury Assessor's Tax Plate 25 Plot 17.

May 26, 2015 7:00 PM

To hear the appeal of Douglas Thomson, 8 Baker Street, Warren RI, for a Variance to the Town of Shrewsbury Zoning Bylaw under Section VI-Table I, to operate an outdoor retail sales business in the Commercial Business District upon property located at 193 Boston Turnpike, 15 Baker Avenue, 24 Lake View Avenue, and 7 Cliff Street. The subject premise is described on the Shrewsbury Assessor's Tax Tax Plate 32, Plots 95, 71, 58, 66.

Paul M. George, Clerk

WORCESTER TELEGRAM: Fridays, May 8 & May 15, 2015



TELEPHONE
(508) 841-8512

ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

Draft

April 27, 2015

LOCATION: Selectmen's Meeting Room, Municipal Office Building

MEMBERS PRESENT: Ronald Rosen, Chair
Paul George, Clerk
Fred Confalone
Melvin Gordon
Dale Schaetzke

Mr. Rosen opened the meeting at 6:30PM and reviewed the procedures.

Minutes:

Both the February 23, 2015 minutes and the March 30, 2015 minutes were presented for approval.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve both sets of minutes. Mr. George seconded. Motion carried.

Minutes: The minutes of the February 23, 2015 and March 30, 2015 meetings were unanimously approved.

Sign Bills:

Mr. Rosen announced the following bills:

- \$149.50 to the *Telegram & Gazette* for the March 30, 2015 legal notices.
Total = \$149.50

VOTE TAKEN:

Motion: Mr. George moved to approve the bills. Mr. Schaetzke seconded. Motion carried.

Bills: The bill was unanimously approved and signed.

Hearing 1:

Request for Withdrawal

307 Main Street – Madirock, Inc.

Use Variance – Catering business and public relations/publishing business

Acting Board members included Mr. Rosen, Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

Presentation

- Atty. Richard Ricker requested a withdrawal of the petition. He reminded the Board that the application had not been signed by the owner, and the hearing had been continued from the March

meeting. Now the owner and appellant will not be moving forward with the tentative agreement they had originally formed.

Board Questions

- None.

Abutters

- As there were no comments from the public, the hearing was closed.

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Gordon moved to accept the withdrawal 307 Main Street. Mr. Schaetzke seconded. Motion carried.

Hearing 1: The request for withdrawal for 307 Main Street was unanimously accepted.

Hearing 2:

12-16 Harrington Avenue – Carl Abbascia

Special Permit – Operate an outdoor food vending business

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

Presentation

- Mr. Abbascia and his son, Corey Abbascia, were present.
- Mr. Abbascia said he would like to have a hotdog cart at this address, which is across from the old Spag's Schoolhouse. He has experience in the food business. As submitted in his plan to the Building Inspector, he would like to have a food cart and four (4) picnic tables to the left of the property. He would like to be open seven (7) days a week seasonally, from mid-March to November. He submitted a photo of the type of food cart he planned to order (H2:E1).

Board Questions

- Mr. Rosen asked what his hours would be. For lunch time, so 10am-3pm, to start. If successful, for supper as well, so 10am to 7pm overall.
- Mr. Rosen also asked about the dumpster placed on the next lot over and whether he owned that property too. Mr. Abbascia, No, it has been there for a long time. It is a private way, and no one travels there. Ms. Las confirmed it is Johnson Way and that it is private land.
- Mr. Gordon asked if they had their common victualler's license yet. Mr. Abbascia said it was in process. He added that his son was taking the allergy and "Serve Safe" classes now (as required by the Health Department).
- Mr. Confalone verified that there would be four (4) picnic tables and two (2) trash barrels.
- Mr. George asked if the swing sets he sells will remain placed in the same area. Yes, they will be off to the side. He will have no more than three (3). People can look at them, and children can play on them as well.
- Mr. Gordon commented that this area is next to a busy street. With children being on the property, will there be a provision to keep them safe? Mr. Abbascia said the current fence there would remain. He will remove a small portion of it on the opposite end in order to add a gate. He added that he has thirty (30) parking spots. When he had shown the layout to the Building Inspector, she had said it looked OK. Mr. Rosen asked if his employees could park in the back area. Mr. Abbascia, Yes, they will in the spots numbered 1-9.
- Ms. Las returned to the dumpster discussion. She asked if it could be relocated to his own property. Mr. Rosen also asked if he had an arrangement with the current owner of the property it was located on. Mr. Abbascia was unsure. Mr. Gordon said that that property used to be owned by Bob Bonin.

Mr. Abbascia said that he has owned this property for seventeen (17) years, and that since that time it had always been that way. Mr. George offered that it would probably be too difficult to empty the dumpster if it was within the fenced in area. Mr. Abbascia agreed that was true. Mr. Gordon suggested the dumpster at least be well-maintained and that a lock be kept on it. Mr. Abbascia agreed.

Abutters

- As there were no comments from the public, the hearing was closed.

Board Discussion

- The Board discussed the conditions, including time of year and hours of operation.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve the Special Permit for 12-16 Harrington Avenue, with the conditions discussed. Mr. Schaetzke seconded. Motion carried.

Hearing 2: The Special Permit for 12-16 Harrington Avenue was unanimously approved with the following conditions:

1. May operate seasonally from March to November.
2. May operate daily during that time from 10am to 7pm.

Hearing 3:

136 Prospect Street – Khaja Shamsuddin

Variance – Lot size

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

Presentation

- Khaja Shamsuddin and his engineer, Carol Redden from H.S. & T Group, were present.
- Ms. Redden explained that the site plans she was submitting (H3:E1-3) superseded the plans originally submitted with the application.
- There are three (3) parcels of land involved: 136 and 140 Prospect Street and Parcel A. They had gone before the Planning Board recently for a definitive subdivision, which was granted. Then in discussion with the Planning Board and abutters, it was later suggested that a common driveway might prove to be a better solution for some of the issues presented.
- The neighbors appealed the Planning Board's definitive plan approval.
- Zoning requires a minimum of 37,500 square feet for a rear lot for a single family home in this district. For three (3) homes, a total of 112,500 square feet is needed in this case. Two of the lots meet this requirement, but the third lot (#136) does not, although it does meet the rear lot frontage requirement.
- The approved subdivision plan was displayed, along with the proposed plan. Ms. Redden pointed out that in considering the common driveway proposal, there are some improvements to the new plan. The proposal would reduce the overall construction area by approximately 33% and the impervious area by approximately 23%. In effect, there would be less tree cutting overall and offer somewhat more privacy for the neighboring lots. In the approved subdivision, both a septic system and a storm basin would be required. However, with a common driveway, the new house at 136 Prospect St could be hooked up to water and sewer. Also, with a far less impervious/developed area, the stormwater/drainage system could be significantly reduced.
- Ms. Redden summarized that the hardship was not having enough land area/lot size, unless it is done as a subdivision. She also argued it would not derogate from the Bylaw or the public good because it would not impact the neighboring lots. In fact, it would be an improved design because of the smaller impervious footprint overall for the common driveway vs. the subdivision.

Board Questions

- Mr. Gordon commented that he and the Town Engineer had driven by earlier in the day and had noted that five (5) truckloads of gravel had been brought to the site. He asked where it had come from. Mr. Shamsuddin said from his other building project on Vinnie Way. Mr. Gordon asked if he had notified anyone that that fill was due to arrive before it happened. Mr. Shamsuddin said he had told the owner of the property. Mr. Gordon admonished Mr. Shamsuddin for “sneaking” something onto the property when he hadn’t notified the neighbors, who already had concerns regarding the project. He reminded him - as the builder – that he was their neighbor for the present until the houses were sold, and that he should be more sensitive to their concerns especially if he wanted to maintain good relations and continue to build in Shrewsbury.
- Mr. Gordon asked how wide the common driveway would be. Ms. Redden replied it would be eighteen (18) feet, instead of the twenty-two (22) feet that was previously planned in the subdivision.
- Mr. Gordon asked for more detail on the drainage plan. Ms. Redden explained the land would be pitched toward swales, a yard drain, and a catch basin for the overland flow, then it would flow into a subsurface detention system. Mr. Rosen followed with whether this would include the runoff on the right side. Yes.

Abutters

- Atty. Kevin Byrne, was present to represent abutters Kim & David Long, 3 Tip Pond Rd, and Beth and Scott Wasson, 5 Tip Pond Rd. He explained they had also appeared before the Planning Board. After the subdivision was granted, they filed an appeal in Worcester Superior Court. Their main objection was because of the over-maximization of the lot, the site was going to have to be completely clear cut. Atty. Byrne also argued that if it were not a subdivision, it would not have to become a public road maintained by the town. Perc tests done there also found that the soil is not ideal for a septic system. They have also learned since then that that the site would require substantial fill to adjust the grading. Mr. Rodolakis of the Planning Board suggested that perhaps a common driveway would not overwhelm the lot and could be considered. The Longs and the Wassons feel this newly proposed plan is more appropriate and are now in favor of it.
- Tim Woodcome, 132 Prospect St, asked for clarification as to what the exact issue was that brought the applicant before the Board. Mr. Rosen and Ms. Redden explained that the lot closest to his home is short on the lot size required by 10,000 square feet. They confirmed that the side yard setback would be in compliance at eleven (11) feet. Mr Woodcome followed with questions on tree clearing and whether house #136 would be demolished. The demolition was confirmed. Then Ms. Las explained that if the Variance was approved, the applicant would go back before the Planning Board for a Special Permit for the common driveway, then further details on tree clearing, utilities, and storm water management would be worked out there.
- Jean Karen Holley, 137 Prospect St, asked for clarification on where the entrance to the driveway would be located. Ms. Redden explained that the subdivision plan had it across from the mid-point of Ms. Holley’s front yard. But the new proposed plan would move it to the south, closer to Mr. Woodcome’s property.

Board Discussion

- Mr. Rosen said he would prefer to see two (2) houses on the lots. He also said he preferred that the court appeal process proceed; otherwise, a Zoning Board decision circumvents the legal process.
- Mr. George agreed with Mr. Rosen that the existing house and one (1) new house would be enough.
- Mr. Gordon did not think the plan derogated from the Bylaw. He thought less impervious area was better, and that if they also had the option to tie into sewer that was better than having a large septic system. He reminded them that the Planning Board had suggested this Variance as a possible solution.
- Mr. Confalone was in favor because it would be a less intrusive plan to the neighborhood, i.e., less tree cutting, etc.

- Mr. Schaetzke saw the advantages to the less intrusive plan, yet understood Mr. Rosen's objections.
- Ms. Las confirmed that there is no increase or decrease in the number of homes planned for the subdivision vs. this Variance plan.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve Variance for 136 Prospect Street. Mr. Schaetzke seconded. Mr. George and Mr. Rosen opposed. Motion was denied.

Hearing 3: The Variance for 136 Prospect Street was denied, 3-2.

Hearing 4:

73 Summer Street – Matt George

Special Permit – Construct an in-law apartment

Mr. Rosen informed Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

Presentation

- Abby and Matt George were present.
- Ms. George explained that they would like to construct an in-law apartment for her parents. Her parents own living situation has become unsustainable due to various reasons including her father's health. Also, her mother assists them with the care of their children. The new construction would be one (1) level only.

Board Questions

- Mr. Gordon asked if they had spoken to their neighbors about it. Yes.
- Mr. Gordon asked if their current home was one (1) level now. No, two (2).
- Mr. Gordon also asked if they would be eliminating the existing garage. The existing garage will become the in-law living space and then a new garage will be built.
- Mr. Rosen checked that the restrictions to do with an in-law were understood – that the residents of it must be blood relatives and that the permit dissolves with a change in ownership. They agreed.

Abutters

- Ken Mangan, 74 Summer St, commented that they were wonderful neighbors and that he was in favor of the project.
- As there were no additional comments from the public, the hearing was closed.

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve the Special Permit for 73 Summer Street. Mr. Schaetzke seconded. Motion carried.

Hearing 4: The Special Permit for 73 Summer Street was unanimously approved with the usual conditions for an in-law:

1. The occupants must be blood relatives of the owners.
2. The Special Permit will sunset with a change in ownership.

Hearing 5:

1000 Main Street – Shrewsbury Farmer's Market, LLC

Special Permit Amendment – Operate a farmers' market

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

Presentation

- Missy Hollenback and Mackenzie May, the market's co-market managers, were present.
- Ms. Hollenback reminded the Board that they were before them a year ago for approval to open a Farmers Market. After being in operation for a season, they would now like to make some changes. Ski Ward had suggested they change their location within the Ski Ward property. The market co-managers requested three changes to the existing Special Permit:
 1. To move the location of the Farmers Market from "Zone 6" of Ski Ward's layout to "Zone 1", which is closer to the Ski Ward building. The reasons for this are:
 - a) the current location is very rocky and people have had a difficult time walking around,
 - b) the current location is nearer the traveled road and the entrance/exits, a lot of dust gets kicked up,
 - c) the new location would be closer to the main building where the bathroom facilities and handicapped parking are located. However, they would also like permission to move back to Zone 6 if they need be, e.g., a storm knocks trees down in Zone 1 requiring extensive clean-up first.
 2. To increase the number of vendors from twenty-two (22) to thirty (30) total. They are hoping to offer more variety in the types of vendors going forward as well.
 3. To be able to offer live music. This was a common comment heard last season, and they have found that most other farmers markets in the area do offer this. They acknowledged that Ski Ward is not currently zoned for music.

Board Questions

- Mr. Rosen asked why the layout plan submitted showed forty (40) vendor spaces instead of the thirty (30) they were requesting. Ms. May said that that layout had been developed to show Ski Ward their intentions; it was shown at its absolute maximum, which they do not intend at this time. She added that when they had met with the Building Inspector with their application materials, Ms. Sheehan said it was acceptable to submit. Ms. Hollenback added that they will be before the next Town Meeting and the Planning Board to request an amendment to the Farmers Market definition to include artisans and craftspeople. They have set 12% as their limit for this new category of vendors so as to keep the overall theme of a farmers market, whatever the total number of vendors becomes in future. Mr. Rosen followed with whether they really wanted forty (40) vendors eventually. No, although they are hoping for more variety in the food and artisan vendors, Ms. May said they did not want it to become too large or have the quality decline.
- Mr. George asked if the music would be acoustic or amplified. Ms. Hollenback answered that they first thought they would be asking for acoustic. However, after further research, they found if it were not amplified it would not be heard unless one was standing close by. It is intended as background music though and will not be too loud.
- Mr. George followed with where on the grounds the musicians would set up. Ms. May pointed out the area on the layout and explained that it would be on the grassy end, near the gondola.
- Mr. Gordon commented that he had no issues with these particular requests, but he had concerns that they may continually be back before the Board for more requests. Ms. Hollenback replied that they had first requested twenty-two (22) vendors because that is what Westborough's farmers market had. But after having done more research on other farmers markets in the area and having thought through their own needs, they will have room to grow with these particular requests. Ms. May agreed that if they had to come back before the Board in future, it would not be for several years.
- Mr. Gordon asked Ms. Las if there had been any complaints logged with the Police Department over the past year. No, and the abutters seemed to have had no issues either.
- Mr. Gordon added that the dust might be able to be kept down if the ground was watered beforehand.
- Mr. George asked if they had spoken to the neighbors about the music. Ms. May said they would be willing to. Ms. Las added that there really are no close neighbors to Ski Ward. But Mr. George

countered that music can carry. Ms. Hollenback said that they had no late evening operating hours and that the music may only be for a portion of the day when they are open, depending on the schedules of the musician(s). The market closes at 6:30pm, and the vendors are gone by 7pm. So if the music did not end at 6:30pm, it would at least end by 7pm once the vendors were packed up.

- Mr. Schaetzke asked if the musicians would be solo acts. Ms. Hollenback responded that they would probably be small acts with one (1), two (1), or three (3) people, and mostly performing folk or bluegrass-type music. Mr. Schaetzke followed with whether there might be a stage or a bigger production at times. Ms. Hollenback answered, No, it is not their intent to offer large musical events.
- Mr. Confalone clarified that the noise level would be below the nuisance level. Ms. Hollenback said they would have to study other farmers markets a bit more on this subject. She said she was in favor of using the same musicians that the others markets have used regularly/would recommend and who would already be used to this format.

Abutters

- Jen Anderson, General Manager of Ski Ward, added that they had talked to Lucy Ward, the owner, about the music before she had signed the application and that she was fine with it.
- As there were no additional comments from the public, the hearing was closed.

Board Discussion

- The Board agreed the requests were reasonable and discussed the conditions to impose.
- Mr. George asked Ms. Las if the approving the Farmers Market for music also extended to Ski Ward being able to provide music. No, this is for the Farmers Market only.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Special Permit Amendment 1000 Main Street. Mr. George seconded. Motion carried.

Hearing 4: The Special Permit Amendment 1000 Main Street Drive was unanimously approved, with the following conditions:

1. Maintain the same conditions as specified in the original Special Permit granted on April 28, 2014 (such as hours, etc.).
2. May have no more than thirty (30) vendors.

New Business:

Request for Extensions

235 Main Street – Dr. Peter T. Zacharia

Use Variance – Medical office building in a residential district

Variance – Sign (square footage & front setback)

Atty. Richard Ricker was present to represent the appellant, as he had at the original hearing in April of 2014. He asked that six (6) month extensions be granted for the Variances as Dr. Zacharia needs more time to proceed with the project.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the six (6) month extensions for the Use Variance and Variance for 235 Main Street. Mr. Gordon seconded. Motion carried.

New Business: The six (6) month extensions for the Use Variance and Variance for 235 Main Street were unanimously approved.

Withdrawal Policy

Mr. Schaetzke suggested that our withdrawal policy gives people “two bites of the apple” or more than one (1) try to get their request granted after their first hearing has closed. So he thought it was worth a discussion.

Mr. Rosen said, however, that he was in support of the policy as is because in most cases, the second plan or request that is submitted turns out to be better than the first. He said he also sees no reason for applicants to have to wait two (2) years following an ungranted petition in order to submit an alternate plan. Applicants also have the option to go to the Planning Board to appeal a Zoning Board decision; however, only one (1) appeal has been granted this way in the past.

Ms. Las reminded them that there is also the provision that a request may be reconsidered within seven (7) days if there is unanimous consent of all members. This happens rarely; it has only happened twice before in recent memory.

Mr. Gordon suggested the policy be left as is. All agreed.

Old Business:

Master Plan Update

Ms. Las reported that at the last Master Plan Steering Committee meeting in April they discussed Land Use in depth. They also reviewed the Transportation element draft document which had been heavily revised. At the next meeting in late May, they will have the entire draft ready to review. It will also be posted on the Town's website. She reminded the Board that in the fall they plan to present it first to the Planning Board, second to the Selectmen, and third at the Town Meeting to be recognized.

Mr. Gordon added that he had attended the April meeting. He commented Ms. Las and the consultants were doing a great job.

Ms. Las said she hoped the plan would serve the Town for the next ten to twenty (10-20) years. Mr. Gordon said he believed the State likes more current five (5) year plans when applying for grants, etc. Ms. Las replied that there is actually no Massachusetts statute for this. However, through the creation of this draft template, she said it could more easily be updated/augmented in future as needed.

Correspondence:

None.

The meeting adjourned at 7:47 PM.

Respectfully submitted by,

Michele M. Bowers

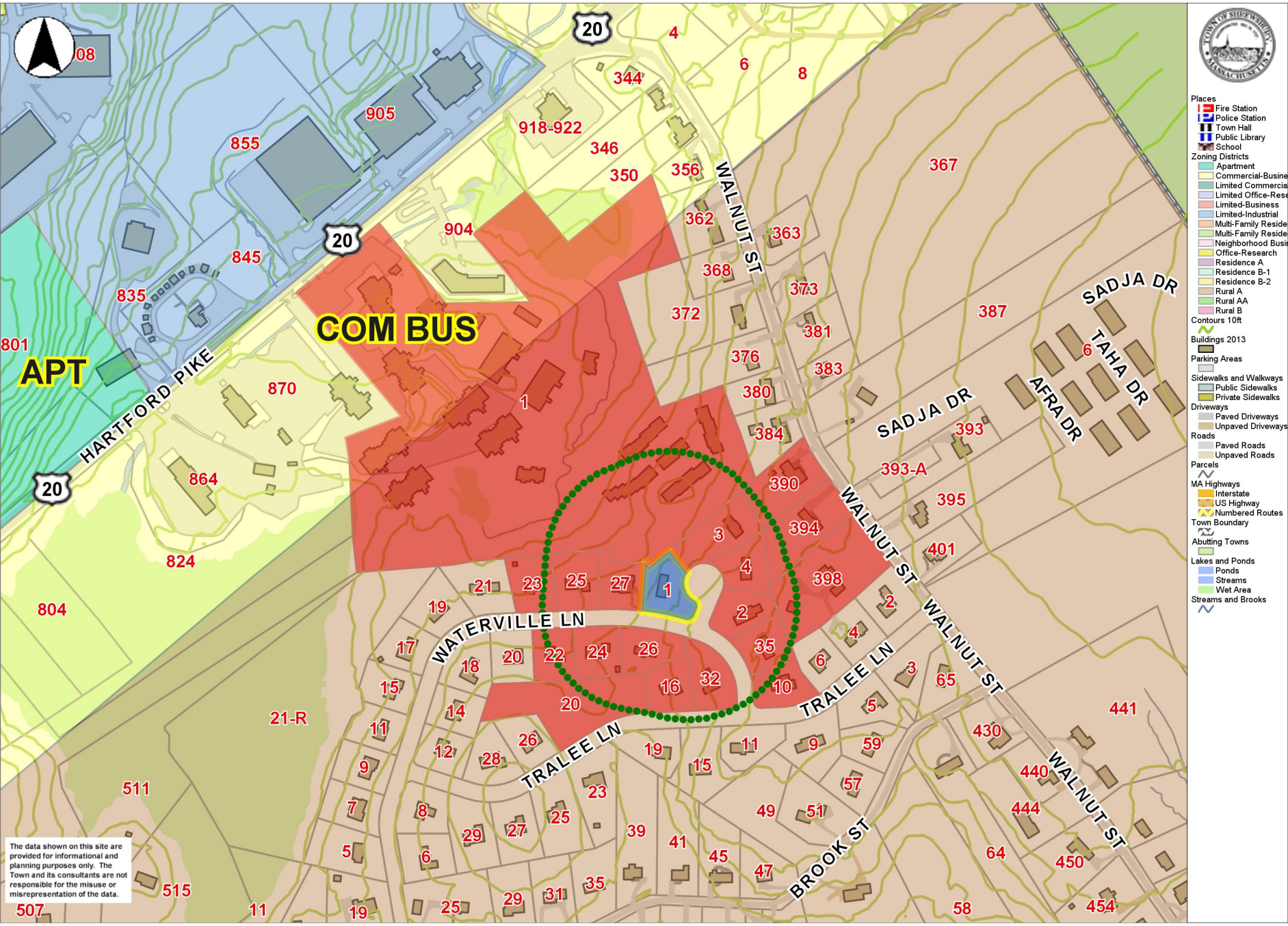
Reviewed by,

Kristen Las, AICP

Approved by vote of the Board,

Paul M. George, Clerk

Hearing 1



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

- Places**
- Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Zoning Districts**
- Apartment
 - Commercial-Business
 - Limited Commercial-Bu
 - Limited Office-Researc
 - Limited-Business
 - Limited-Industrial
 - Multi-Family Residential
 - Multi-Family Residential
 - Neighborhood Business
 - Office-Research
 - Residence A
 - Residence B-1
 - Residence B-2
 - Rural A
 - Rural AA
 - Rural B
- Contours 10ft**
- Buildings 2013**
- Parking Areas**
- Sidewalks and Walkways**
- Public Sidewalks
 - Private Sidewalks
- Driveways**
- Paved Driveways
 - Unpaved Driveways
- Roads**
- Paved Roads
 - Unpaved Roads
- Parcels**
- MA Highways**
- Interstate
 - US Highway
 - Numbered Routes
- Town Boundary**
- Abutting Towns**
- Lakes and Ponds**
- Ponds
 - Streams
 - Wet Area
- Streams and Brooks**

0 400 800 ft

Printed on 05/08/2015 at 04:01 PM

1 Lahinch Ln w/10 ft topography

ZONING BOARD OF APPEALS
TOWN OF SHREWSBURY
MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE

FORM OF APPEAL

2015 APR 21 PM 3:42

Name of Appellant HERBERT & KELLY LAOE

Address of Appellant #1 LAUNCH LANE, SHREWSBURY, MASS

Phone 508-523-4252 Fax _____

Email HERB.LAOE@COGNEK.COM

Owner of Subject Property SAME AS APPELLANT

Address of Owner SAME AS APPELLANT

Phone _____ Fax _____

Email _____

Location of Subject Property #1 LAUNCH LANE, SHREWSBURY, MA

Tax Plate 36 Plot 104

Zoning District Rural A

Appeal for (Variance, Special Permit, Other) SPECIAL PERMIT

Applicable Section of Zoning Bylaw SECTION IV-B

Pertinent Information: Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected. If applying for a Variance, state reasons for hardship: Slope, Soil, Topography, other. If applying for a Special Permit, state how project meets Special Permit criteria. (Attach extra pages if necessary).

REMOVE & REPLACE EXISTING NON-CONFORMING
DECK. THE DECK IS IN NEED OF
STRUCTURAL REPAIR. SEE ATTACHED LETTER
AND PLOT PLANS, DATED APRIL 15, 2015,
TO PATTY SHEETAN.

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter

[Signature] April 15, 2015
Signature of Appellant Date

[Signature] April 15, 2015
Signature of Property Owner(s) Date

[Signature] April 15, 2015
Signature of Property Owner(s) Date

Reviewed for content [Signature] 4-21-15
Signature of Inspector of Buildings Date

April 15, 2015

Patricia Sheehan
Inspector of Buildings
100 Maple Avenue
Shrewsbury, MA 01545

Ref: Building Permit R-15-00123

Patricia,

I'm writing to document the current situation regarding the replacement of our existing deck and my plan for addressing it.

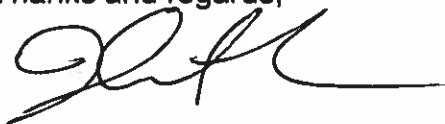
In 2003, I took possession of our existing home at #1 Lahinch Lane, Shrewsbury, MA. The home was new construction built in 2002/2003 and included a deck backing onto the family room. The deck was built under a valid permit at the time. During the 2002-2003 time frame, I'm told that open structures, such as a deck, were interpreted to be excluded from the offset bylaws. As you can see on the enclosed drawing labeled Drawing II-Existing Deck, the north-west corner of the deck is approximately 26' from side property line C. I also understand that the interpretation of the offset bylaw has subsequently changed, and my current deck is considered non-conforming.

The deck is now in need of significant repair. I became aware of the non-conforming situation when my builder submitted the reference building permit to replace the existing deck (the replacement deck plot plan is included as Drawing III-Proposed Replacement Deck). My plan is to proceed with construction under the current, valid building permit.

However, I would also like to clear up the situation regarding the non-conformance. I plan to process a Special Permit Application in parallel, which I will submit by the May 1, 2015 deadline for the May 26 ZBA meeting.

I would greatly appreciate your guidance on this plan.

Thanks and regards,

A handwritten signature in black ink, appearing to read 'Herb Lade', with a stylized, flowing script.

Herb Lade

Attachments:

Drawing II – Existing Deck

Drawing III – Proposed Replacement Deck



BOSTON SURVEY, INC.

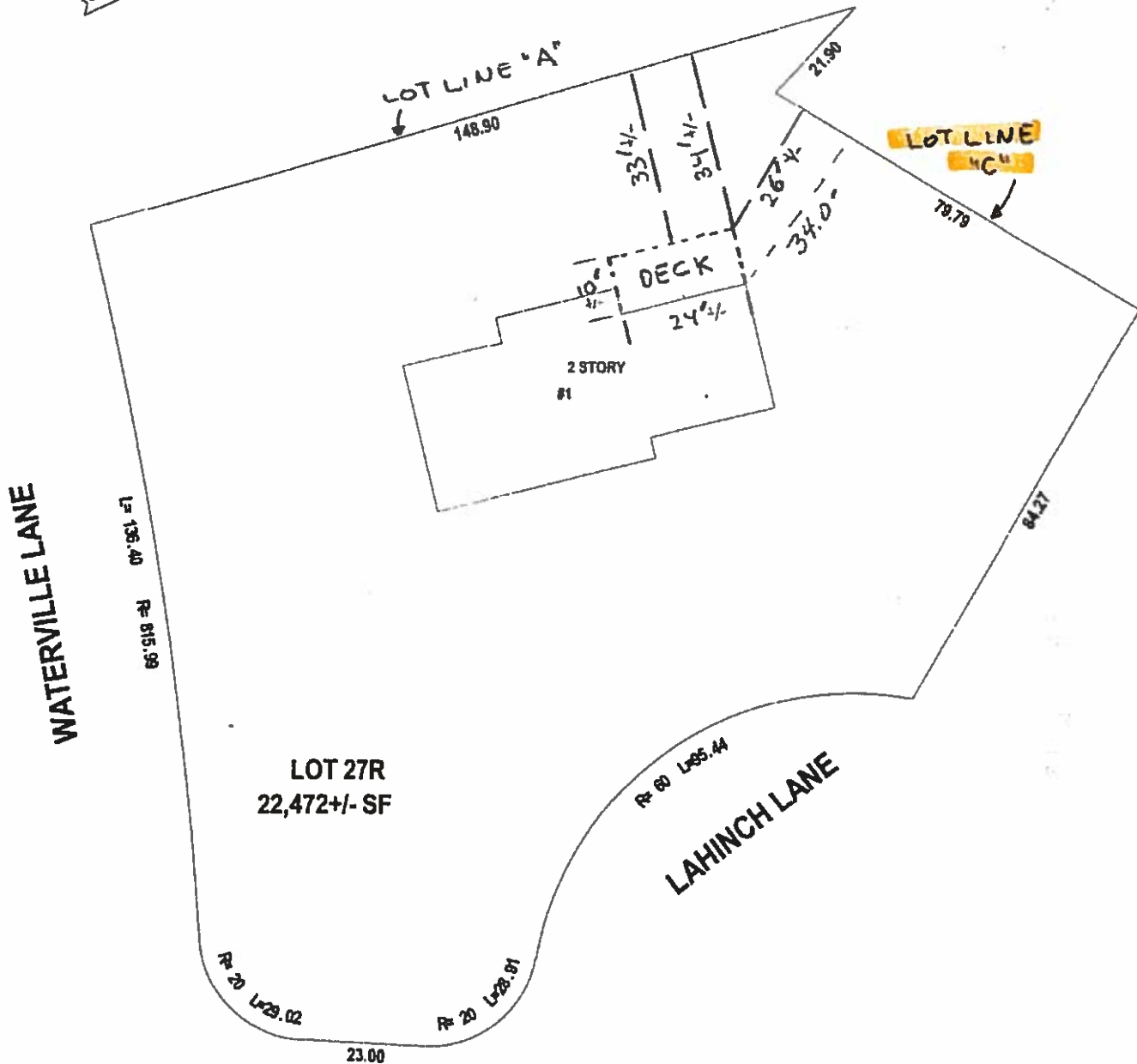
03-02875

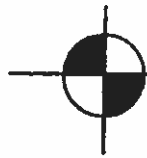
P.O. Box 290220 Charlestown, MA 02129
(617) 242-1313 MAIN (617) 242-1616 FAX

APPLICANT: LADE
LOCATION: 1 LAHINCH LANE
CITY, STATE: SHREWSBURY, MA

DEED/CERT: 790-101
PLAN REF:

DRAWING II
Existing Deck





BOSTON SURVEY, INC.

03-02875

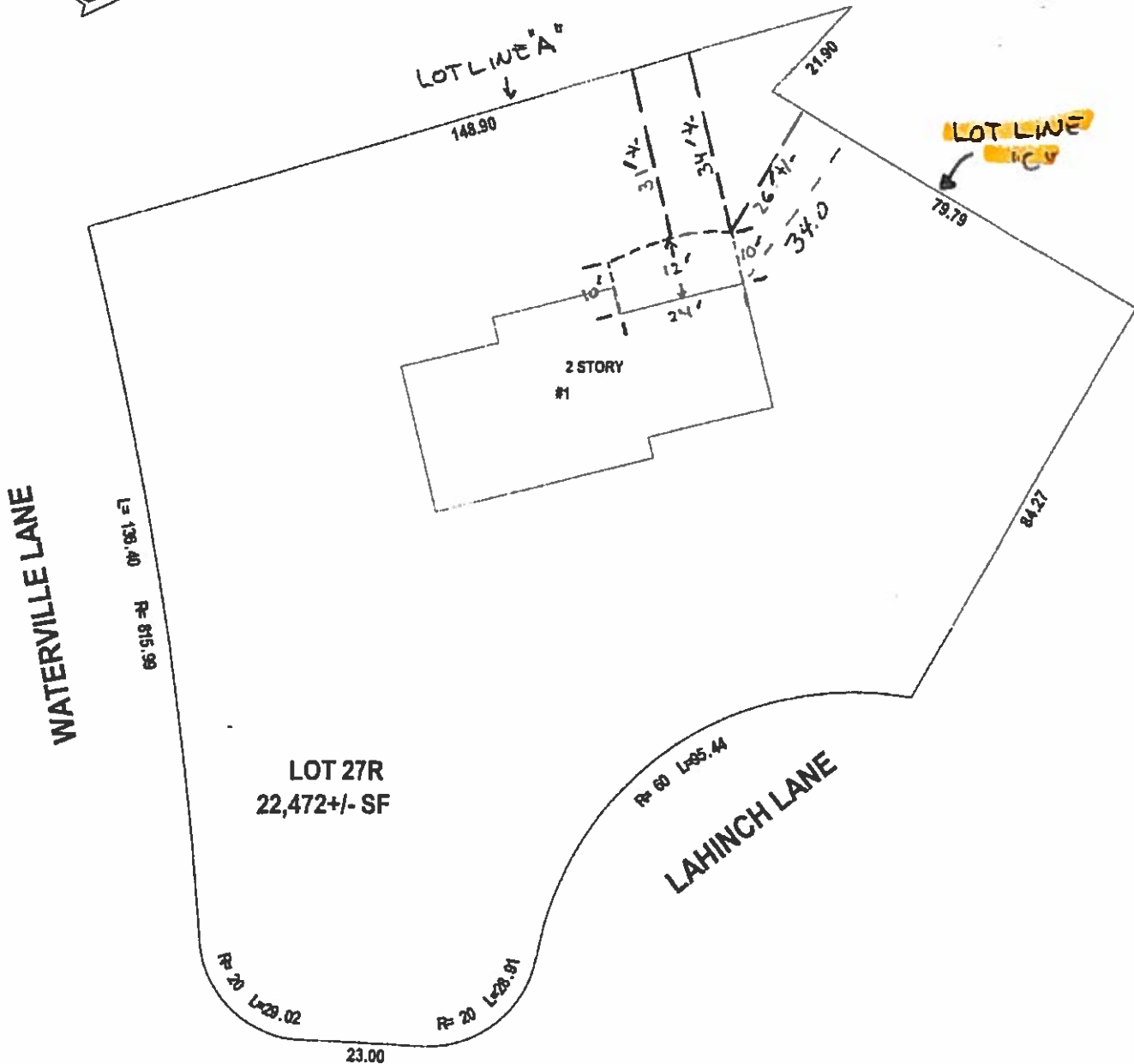
P.O. Box 290220 Charlestown, MA 02129
(617) 242-1313 MAIN (617) 242-1616 FAX

APPLICANT: LADE
LOCATION: 1 LAHINCH LANE
CITY, STATE: SHREWSBURY, MA

DEED/CERT: 790-101
PLAN REF:

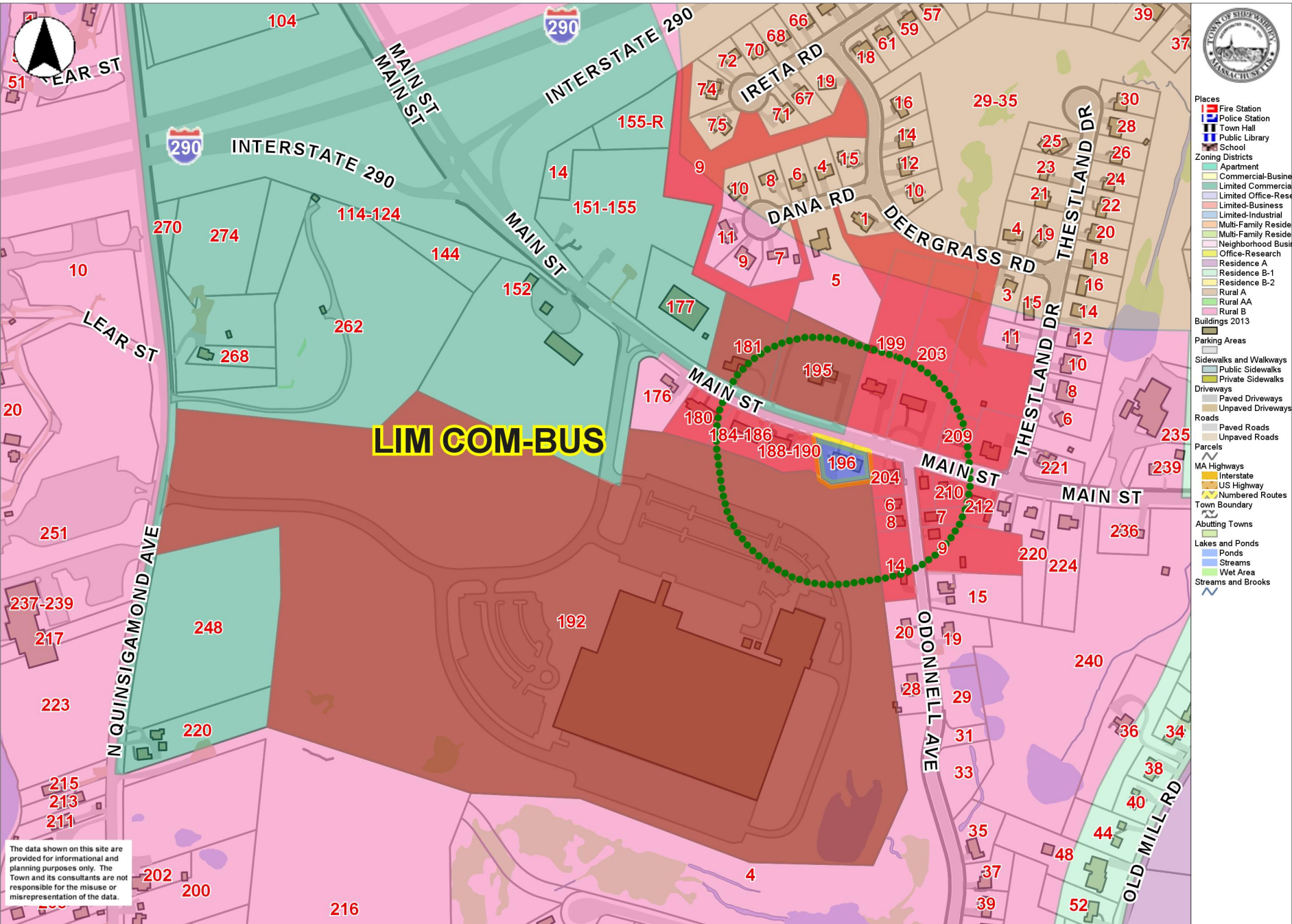
DRAWING III

Proposed Replacement Deck



Hearing

2



- Places
- Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Zoning Districts
- Apartment
 - Commercial-Business
 - Limited Commercial-Bu
 - Limited Office-Researc
 - Limited-Business
 - Limited-Industrial
 - Multi-Family Residential
 - Neighborhood Business
 - Office-Research
 - Residence A
 - Residence B-1
 - Residence B-2
 - Rural A
 - Rural AA
 - Rural B
- Buildings 2013
- Parking Areas
- Sidewalks and Walkways
 - Public Sidewalks
 - Private Sidewalks
- Driveways
- Paved Driveways
 - Unpaved Driveways
- Roads
- Paved Roads
 - Unpaved Roads
- Parcels
- MA Highways
- Interstate
 - US Highway
 - Numbered Routes
- Town Boundary
- Abutting Towns
- Lakes and Ponds
 - Ponds
 - Streams
 - Wet Area
 - Streams and Brooks

196 Main St

ZONING BOARD OF APPEALS
TOWN OF SHREWSBURY
MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
2015 APR 30 PM 3:32

SHREWSBURY, MASS

FORM OF APPEAL

Name of Appellant Eastern Point Condominium Trust

Address of Appellant c/o Salisbury Management, Inc., 120 Shrewsbury St., Boylston, MA.

Phone 508-869-4570

Fax 508-869-0664

Email _____

Owner of Subject Property Eastern Point Condominium Trust

Address of Owner c/o Salisbury Management, Inc., 120 Shrewsbury St., Boylston, MA

Phone 508-869-4570

Fax 508-869-0664

Email _____

Location of Subject Property Eastern Point Condominiums, Shrewsbury, MA

Tax Plate 25

Plot 17

40 Eastern Point Dr.

Zoning District MF-2 Townhouse-Type

Appeal for (Variance, Special Permit, Other) Variance (2)

Applicable Section of Zoning Bylaw VII B Table II and VII c

Pertinent Information: Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected. If applying for a Variance, state reasons for hardship: Slope, Soil, Topography, other. If applying for a Special Permit, state how project meets Special Permit criteria. (Attach extra pages if necessary).

Your petitioner requests permission to place an accessory building (shed for Geo-Thermal System) 13.2 feet from the front property line at North Quinsigamond Avenue and approximately 4 feet from the nearest principal dwelling unit (unit #39).

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter

[Signature] as manager
Signature of Appellant Date

[Signature] as manager
Signature of Property Owner(s) Date


Signature of Property Owner(s) Date

[Signature] 4-30-15
Signature of Inspector of Buildings Date

ZONING BOARD OF APPEALS

Form of Appeal Checklist

Eastern Point Condominium

		Not Applicable	Waiver Requested	Included	
1	Assessor's Tax Map	REQUIRED		<input type="checkbox"/>	Assessor's Tax Map & Plot Plan required for all applications.
2	Plot Plan	REQUIRED		<input type="checkbox"/>	
a.	Plan fully complies with the ZBA Rules and Regulations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b.	An alternate plan is submitted.	<input type="checkbox"/>		<input type="checkbox"/>	
<p>Reasons for submitting an alternate plan:</p> <p style="text-align: center;"><i>The request involves the placement of an accessory building which will house Geo Thermal System Components.</i></p>					
3	Zoning Analysis Table	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	These items may not be required for all projects.
4	Parking Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5	Location of all building entrances or exits, drives, ways, parking lots, and loading areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	Elevations and locations on the plan of all existing and proposed signs on the subject property	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7	Location of utility lines and connections on the subject property	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	Location of all prominent vegetated areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	Location of trash disposal areas for all uses other than single family and two family residences	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10	Drainage calculations, as necessary to demonstrate there will be no adverse impacts to adjacent properties or roadways	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>I hereby request a waiver for those items marked as "waiver" and understand that my application will be considered incomplete until the Zoning Board of Appeals approves the waiver or the information is submitted. I further understand that an incomplete application extends the statutory decision deadlines.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;">  Appellant's Signature </div> <div style="text-align: center;"> Date </div> </div>					

**PLOT PLAN
PREPARED FOR
SALISBURY MANAGEMENT, INC
EASTERN POINT DRIVE
SHREWSBURY, MASSACHUSETTS**

**APRIL 28, 2015
SCALE: 1 INCH = 20 FEET**

**JARVIS LAND SURVEY, INC
29 GRAFTON CIRCLE
SHREWSBURY, MA 01545
TEL. (508) 842-8087
FAX. (508) 842-0661
EMAIL: JARVISLAND@AOL.COM**

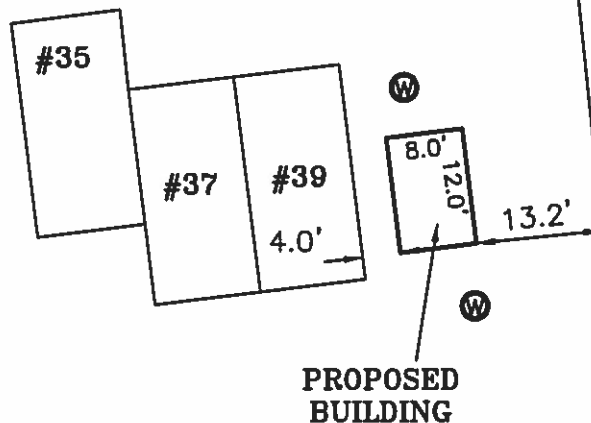
THE SURVEYOR RETAINS COPYRIGHT TO THE PLAN OF
SURVEY, AND RE-USE OF THIS PLAN IS NOT ALLOWED
WITHOUT PERMISSION FROM THE SURVEYOR.

1. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS SUCH A REPORT MIGHT DISCLOSE.
2. THIS PLAN HAS NOT BEEN PREPARED FOR RECORDING PURPOSES.
3. THE LICENSED MATERIAL CONTAINS VALUABLE PROPRIETARY INFORMATION BELONGING EXCLUSIVELY TO JARVIS LAND SURVEY, INC. THE LICENSED MATERIAL AND THE INFORMATION CONTAINED THEREON ARE COPYRIGHTED INSTRUMENTS OF PROFESSIONAL SERVICES AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OTHER THAN THAT FOR WHICH THEY WERE CREATED, WITHOUT THE EXPRESS WRITTEN CONSENT OF JARVIS LAND SURVEY, INC. YOU AGREE NEVER TO REMOVE ANY NOTICES OF COPYRIGHT, NOR TO REPRODUCE OR MODIFY THE LICENSED MATERIAL.

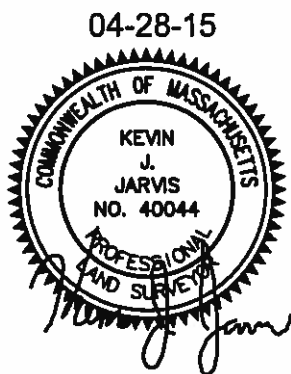
**ASSESSORS MAP 25
LOT 17**



N/F
EASTERN POINT
CONDOMINIUMS



NORTH QUINSIGAMOND AVENUE



N/F
EASTERN POINT
CONDOMINIUMS

15-176
07-273

Michele Bowers

From: James Vuona
Sent: Monday, May 04, 2015 4:57 PM
To: Jean Killeen; Patty Sheehan
Cc: Richard Ricker; Michele Bowers
Subject: RE: Eastern point zba application

All Parties,

I have reviewed the plan from Eastern Point in regards to shed that houses geothermal heating system and have no fire or life safety concerns at this time.

Thanks,

Chief James M. Vuona, MPA

Shrewsbury Fire Department

11 Church Road

Shrewsbury, MA 01545

508.841.8544 office

508.841.8545 fax

From: Jean Killeen [mailto:jean@salisburymanagement.com]
Sent: Monday, May 04, 2015 11:01 AM
To: Patty Sheehan
Cc: Richard Ricker; James Vuona; Michele Bowers
Subject: RE: Eastern point zba application

Hi Patty, Jim, Michele & Richard:
Attached please find the document requested. I am the contact for Eastern Point.
Regards,

jean

Jean F. Killeen

Community Manager/Realtor-----

Salisbury Management, Inc.

120 Shrewsbury Street

Boylston, MA 01505

Direct Dial: 508-869-4570

Office Phone: 508-869-0764

Fax: 508-869-0664

www.salisburymanagement.com

jean@salisburymanagement.com

Eastern Point Condominium Trust

**c/o Salisbury Management, Inc.
120 Shrewsbury Street
Boylston, MA 01505
Phone (508) 869-0764 * Fax (508) 869-0664**

May 4, 2015

To Whom it may concern:

The shed to be constructed will house the geothermal well controls, manifold for distribution, expansion tank and flow switch. It will also have electric heat. If you have any further questions please feel free to contact me.

Sincerely,
jean

Jean F. Killeen
Community Manager/Realtor-----

Salisbury Management, Inc.
120 Shrewsbury Street
Boylston, MA 01505
Direct Dial: 508-869-4570
Office Phone: 508-869-0764
Fax: 508-869-0664
www.salisburymanagement.com
jean@salisburymanagement.com

Michele Bowers

From: Patty Sheehan
Sent: Monday, May 04, 2015 9:57 AM
To: Richard Ricker
Cc: Kristen Las; Michele Bowers
Subject: ZBA applications for May 2015 meeting

The following ZBA applications are incomplete:

40 Eastern Point Drive

On company letter head, the owner or owner's agent must state use and contents of the 8 x 12 shed. The letter must be submitted for the ZBA file and given to the Fire Chief for response.

196 Main Street:

The chiropractic and massage therapy use variance must be supported by a parking plan, number of employees, hours of operation, signage, etc. Please provide a narrative and parking plan.

Hearing 3



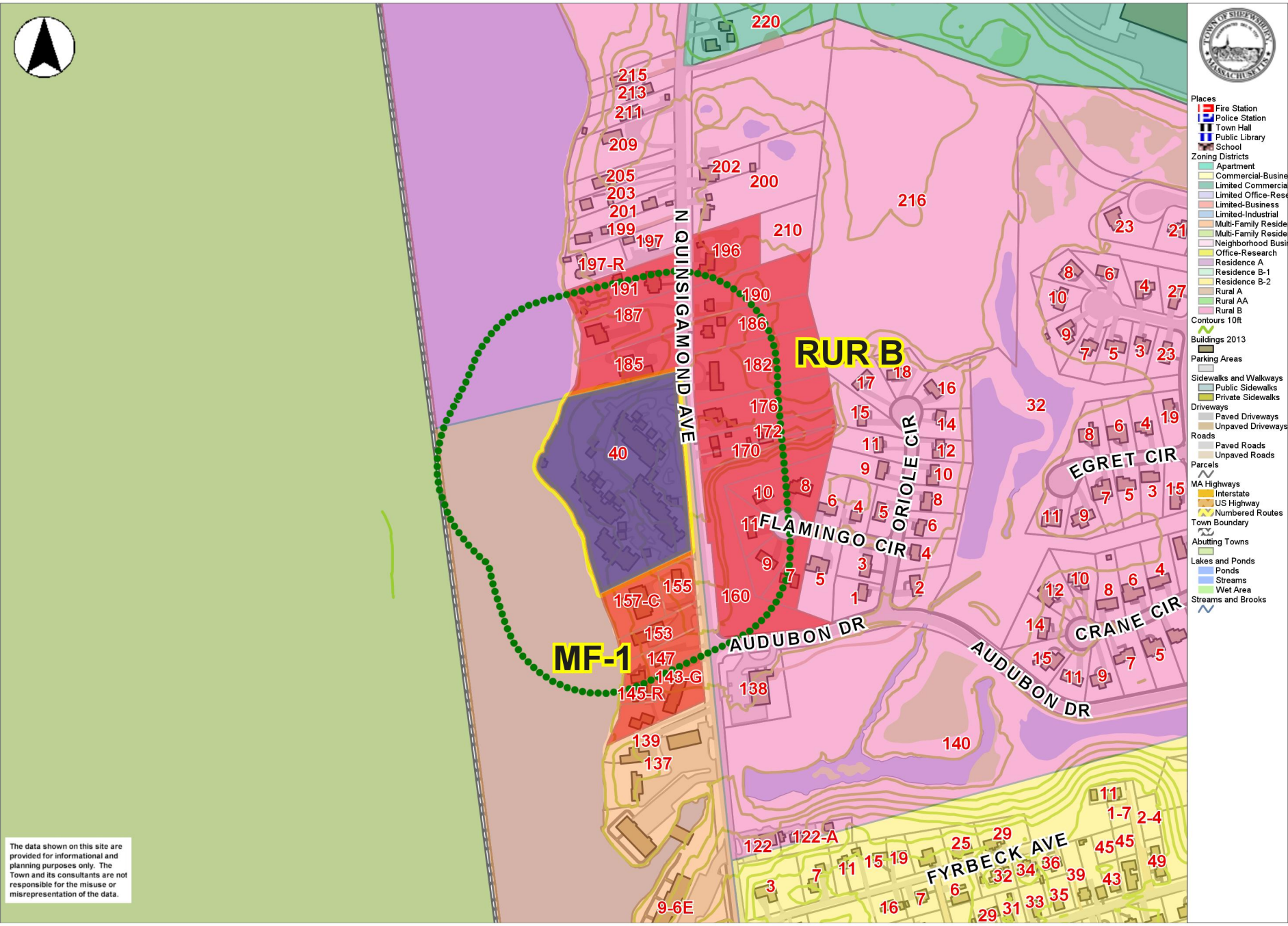
- Places
- Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Zoning Districts
- Apartment
 - Commercial-Business
 - Limited Commercial-Bu
 - Limited Office-Researc
 - Limited-Business
 - Limited-Industrial
 - Multi-Family Residential
 - Neighborhood Business
 - Office-Research
 - Residence A
 - Residence B-1
 - Residence B-2
 - Rural A
 - Rural AA
 - Rural B
- Contours 10ft
- Buildings 2013
- Parking Areas
- Sidewalks and Walkways
- Public Sidewalks
 - Private Sidewalks
- Driveways
- Paved Driveways
 - Unpaved Driveways
- Roads
- Paved Roads
 - Unpaved Roads
- Parcels
- MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
- Town Boundary
- Abutting Towns
- Lakes and Ponds
- Ponds
 - Streams
 - Wet Area
- Streams and Brooks

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 400 800 ft

Printed on 05/08/2015 at 04:25 PM

40 Eastern Point Dr w/10 ft topography



ZONING BOARD OF APPEALS
TOWN OF SHREWSBURY
MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
2015 MAY -1 PM 1:03
SHREWSBURY, MA 01545

FORM OF APPEAL

Name of Appellant Healthsource of Shrewsbury, Inc.
Address of Appellant 196 Main Street, Shrewsbury, Massachusetts 01545
Phone 508 523 0107 Fax _____
Email cwalsh@healthsourcechiro.com
Owner of Subject Property Craig and Andrea Hokanson
Address of Owner 196 Main Street, Shrewsbury, Massachusetts 01545
Phone 774 696 3512 Fax _____
Email _____
Location of Subject Property 196 Main Street
Tax Plate 20 Plot 2-5
Zoning District Rural B
Appeal for (Variance, Special Permit, Other) Variance
Applicable Section of Zoning Bylaw VI Table 1

Pertinent Information: Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected. If applying for a Variance, state reasons for hardship: Slope, Soil, Topography, other. If applying for a Special Permit, state how project meets Special Permit criteria. (Attach extra pages if necessary).

Appellant seeks a Use Variance to allow the continuation of the existing Chiropractic Therapy and Massage Therapy business as it presently operates.
The nature of the business remains the same as pursuant to previous Special Permits however there has been ownership and management changes.

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter

[Signature] 5/1/15
Signature of Appellant Date
[Signature] 5/1/15
Signature of Property Owner(s) Date

Signature of Property Owner(s) Date
Reviewed for content [Signature] 5-1-15
Signature of Inspector of Buildings Date

Please send notice to: Richard Ricker, Esq., 11 Maple Ave., Shrewsbury MA 01545

ZONING BOARD OF APPEALS

Form of Appeal Checklist

196 MAIN ST.
HealthSource of Kentucky, Inc.

		Not Applicable	Waiver Requested	Included
1	Assessor's Tax Map	REQUIRED	<input type="checkbox"/>	<input type="checkbox"/>
2	Plot Plan	REQUIRED	<input type="checkbox"/>	<input type="checkbox"/>
a.	Plan fully complies with the ZBA Rules and Regulations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	An alternate plan is submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Reasons for submitting an alternate plan:</p> <p><u>This is a petition seeking</u> <u>to use the premises (albeit in</u> <u>an expanded fashion) as a</u> <u>continuation of the existing Chiropractic</u> <u>and Massage Therapy business.</u></p>				
3	Zoning Analysis Table	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Parking Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Location of all building entrances or exits, drives, ways, parking lots, and loading areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Elevations and locations on the plan of all existing and proposed signs on the subject property	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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10	Drainage calculations, as necessary to demonstrate there will be no adverse impacts to adjacent properties or roadways	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Assessor's Tax Map & Plot Plan required for all applications.

These items may not be required for all projects.

I hereby request a waiver for those items marked as "waiver" and understand that my application will be considered incomplete until the Zoning Board of Appeals approves the waiver or the information is submitted. I further understand that an incomplete application extends the statutory decision deadlines.

Appellant's Signature

Date

Summary of 196 Main St / Hokanson Hearings before ZBA Board

Date of ZBA Hearing	<u>Request</u>	<u>Purpose</u>	<u>Decision</u>	Recorded at <u>Registry</u>
2/10/1999	Special Permit	To have chiropractic business in home.	Approved with 3 year time limit	No
4/24/2002	Special Permit	To renew permit for chiropractic business in home.	Approved with 5 year time limit	No
4/29/2003	Variance	To build 15'x20' addition on side of home (2 car garage w/2 bedrooms & bath).	Approved	Yes
1/5/2010	Special Permit	To renew permit to have chiropractic business in home & to allow additional medical services.	Approved with 5 year time limit	No
12/7/2010	Variances	To allow the installation of a professional business sign & to allow sign to be located closer (15') than one-half the depth of the required front yard setback (25').	Approved	No

The SP decisions for 2/10/1999, 4/24/2002 and 1/5/2010 are attached.

~~FILED AND TO ABUTTERS MARCH 3, 1999~~



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

February 10, 1999

PUBLIC HEARING: Craig A. Hokanson, 196 Main Street, Shrewsbury.

PURPOSE: To hear the appeal of Craig A. Hokanson, 196 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow a chiropractic business to be conducted from property located at 196 Main Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 2-5.

PRESENT: Anthony M Salerno, Chairman; James M. Shea, Melvin P. Gordon, Mary Jane Haesche, Paul M. George, and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on January 26 and February 2, 1999.

Dr. Hokanson: I'm a chiropractor. I have a purchase and sales agreement for this property. The present owner conducts a physical therapy business currently from that property. I would like to purchase this property and have an office and reside there as well. I have a family with children and I've been a lifelong resident of Shrewsbury. I would like to have my office there. Chiropractic and physical therapy are similar in nature. Since I'm going to be living there, if anything, I'm going to improve the aesthetics of the property. As far as any changes to the land or the building, there won't be any. Maybe there will be some changes to the rooms inside to accommodate my business.

Mr. Shea: Mr. Alarie, is this an allowed use?

Mr. Alarie: Yes. The board granted a special permit back in 1993 to use this property as a medical building. It was previously a 2 family dwelling and it was converted it to a medical building where they were providing occupational, speech and physical therapies to children.

Mr. Shea: What do you see, doctor, as to the amount of traffic you will generate? How many vehicles during the course of the day?

Dr. Hokanson: I space my appointments 15 to 20 minutes apart. Typically the way a chiropractor's office is run, you have two to three patients at a time there. So, two cars are in and as one is leaving another one is coming in. As long as people are prompt in their time, that's the way it should be.

Mr. Shea: So, two to three cars will be in the parking lot at any one time?

Dr. Hokanson: Yes.

Ms Haesche: It looks like there's quite a bit of parking. Can you explain that? It looks like there would be quite a bit more parking than is needed.

Mr. Alarie: That parking was installed with the original special permit. Those are existing spaces.

Ms Haesche: So, they just happen to be there. You don't anticipate using them?

Dr. Hokanson: Not all of them.

Mr. Alarie: The previous special permit allowed three therapists to be operating there at any one time.

Mr. Gordon: How many employees do you anticipate?

Dr. Hokanson: Myself to start. My wife will help with the front desk. If I get busy enough, I would probably hire a part time person. That third person would be only part time and at peak hours maybe only three days a week.

Mr. Salerno: Are you just starting your practice?

Dr. Hokanson: Yes. I just graduated recently from a college in Georgia and I'm ready to come back home.

Mr. Alarie: Could we get the days and hours that the office would be open?

Dr. Hokanson: At first I would like to be open Monday, Wednesday and Fridays. The office hours would be approximately from 9:00 a.m. until 12:00 o'clock and then a 2 to 3 hour lunch and then come back and have the office open from 3:00 p.m. to 7:00 p.m. to accommodate those who are getting off work and cannot get here during the day. On Saturday I would like to open for about 2 hours from 10:00 a.m. to 12:00 p.m. to accommodate those who can't make it during the week. My long term goals would be to open half days on Tuesdays and Thursdays and utilize the other times for administration hours and marketing.

Mr. Salerno: When you say you're going to be shut down, are you going to close?

Dr. Hokanson: I won't be seeing patients at that time. I may be in the office doing paper work.

Ms Haesche: So, if the patient traffic was going to be limited on the site from 9:00 a.m. 'til 7:00 p.m. and Saturday 9:00 to 12:00, that would be acceptable? We will often limit the hours of operation as a part of the ruling.

Mr. Alarie: The previous special permit limited hours from 8:00 a.m. to 7:00 p.m., Monday through Friday, and on Saturdays from 8:00 a.m. to 12:00 p.m.

Dr. Hokanson: I would like those hours if possible.

Mr. Joseph: How about signs?

Dr. Hokanson: I will have a sign professionally made. I would like to post it on a lantern. I want to keep the place looking good.

Mr. Salerno: Is there anyone here who would like to comment on this petition? There being no one, we'll take this under advisement and notify you of our decision.

The decision is on the following page.

DECISION

On February 10, 1999, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Craig A. Hokanson, 196 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow a chiropractic business to be conducted from property located at 196 Main Street.

In accordance with a special permit granted on November 24, 1992, the subject premises has been utilized as a medical building wherein pediatric physical, occupational and speech therapy services have been performed. These office activities have been conducted in substantial accord with the intent of the bylaw and in harmony with the general character of the immediate neighborhood. The appellant proposes to occupy a portion of this building as his residence and to conduct his chiropractic business from the remaining office space.

It was the board's opinion that the appellant's proposed use of this site is very similar in nature to the medical office activities conducted by the pediatric clinic during the past several years and that it is now more akin to a professional home occupation where Dr. Hokanson and his family will now be occupying part of the premises. They noted that this vicinity of Main Street is very busy, traffic-wise, and that the limited number of patient vehicle trips to this property would not materially alter the character of the area. It was their opinion that the granting of this special permit would not create any condition which would be harmful or injurious to the welfare of area residents and, therefore, unanimously voted to grant the appeal subject to compliance with the following:

1. Business hours shall be limited to those hours between 8:00 A. M. and 7:00 P. M., Monday through Friday, and from 8:00 A. M. to 12:00 noon on Saturday.
2. The rights authorized by this granting shall remain in effect for a period of 3 years, said period commencing on the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. Salerno	Yes
Mr. Shea	Yes
Mr. Gordon	Yes
Ms Haesche	Yes
Mr. George	Yes



TELEPHONE
(508) 841-8512

ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

April 24, 2002

PUBLIC HEARING: Craig Hokanson, 196 Main Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Craig Hokanson, 196 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the practice of chiropractic medicine to be conducted from property located at 196 Main Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 2-5.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Martha P. Deering, Melvin P. Gordon, Ronald I Rosen, and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as is appeared in the Worcester Telegram on March 18, 2002 and March 26, 2002.

Mr. Salerno: Would you please identify yourself for the audio record and make your presentation.

Mr. Hokanson: My name Craig Hokanson. I applied for a permit 3 years ago and I am actually reapplying for that same permit. It's the same practice, the same conditions and nothing has changed in the practice or anything around. So, I'm basically going through the same process, presenting to the board the same conditions to be granted for 3 years on that special permit.

Mr. Salerno: Is there anything you want to submit, sir, in support?

Mr. Hokanson: I submitted everything the last time I was here. I assumed that everything would be the same and I wouldn't have to submit anything new since nothing has changed.

Mr. Gordon: This is just a renewal of a special permit because of the time line?

Mr. Alarie: Yes. In February of 1999, the board voted to grant the special permit to allow Mr. Hokanson to conduct his chiropractic business. I believe he also resides on the site. The decision limits the business hours between 8:00 A.M. and 7:00 P.M. Monday through Friday, 8:00 A.M. to 12:00 noon on Saturday and you granted the rights for a period of 3 years.

Mr. Salerno: Let me ask you, is there another business operating out of that building?

Mr. Hokanson: No, there's not another business.

Mr. Salerno: Excuse me?

Mr. Hokanson: There's not another business operating out of there.

Mr. Salerno: What does the other sign say that's down there next to your sign?

Mr. Hokanson: What I was doing was pre-employment testing in addition to providing services to my patients or companies. I just advertised that under my sign.

Mr. Salerno: What does it say on the sign?

Mr. Hokanson: "Pre-employment testing." I've taken the sign down now because I don't have to advertise that any more. I just basically conduct that for my patients if they own a business and have employees so that they can get their employees tested before they hire them.

Mr. Salerno: How long ago did you take that down? Do you recall? I could have sworn I saw that last week.

Mr. Hokanson: It was about 6 weeks ago. It was actually a little banner about this high underneath the sign.

Mr. Salerno: Do any board members have questions?

Mr. Gordon: Have there been any complaints, Ron?

Mr. Alarie: Not that I've received.

Mr. Salerno: Is there anything else that you're requesting?

Mr. Hokanson: No, like I mentioned everything, is going fine and I want to keep everything the same. The hours are fine.

Mr. Gordon: Can I suggest another time line, a longer one?

Mr. Salerno: First of all, is there anybody in attendance this evening who wants to comment on this petition? I see no further inquiry. Is the board inclined to consider extending the time line on this?

Mr. Gordon: I would think it would be a minimum of 5 years.

Mr. Salerno: You may get more than you asked for coming here tonight. Thank you, we'll take it under consideration and notify you of our decision.

Decision

On April 24, 2002, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Craig Hokanson, 196 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the practice of chiropractic medicine to be conducted from property located at 196 Main Street.

The appellant has conduct his chiropractic practice from the subject premises in accordance with a special permit issued by this board in February of 1999. The board noted that, during the past three years, Dr. Hokanson's business has been conducted in concert with the general intent of the bylaw, in complete compliance with the terms and conditions of the previous special permit and that his activities have not created any condition which has adversely impacted the welfare of either area residents or of the public at large. It was, therefore, unanimously voted to extend the special permit for a period of 5 years, said period commencing upon the filing of this decision with the office of the Shrewsbury Town Clerk, and subject to the same terms and conditions as set forth in the February 10, 1999 decision.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Ms. Deering	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

January 5, 2010

PUBLIC HEARING: Dr. Craig Hokanson, 196 Main Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Dr. Craig Hokanson, 196 Main Street, Shrewsbury, MA, for the renewal of the special permit issued in accordance with Section VI, Table I, of the Town of Shrewsbury Zoning Bylaw to allow the continued use of property located at 196 Main Street for the practice of chiropractic medicine and related services. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 2-5.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 21, 2009 and December 28, 2009.

Mr. Rosen: Welcome and please state your name for the record.

Dr. Hokanson: Good evening; I'm Craig Hokanson, 196 Main Street. I've had a practice for the past ten years on Main Street, a chiropractic practice. I'm here tonight for the renewal of that special permit. As far as I know, there haven't been any complaints or any problems with the last renewal process.

The only changes that I will be making within the chiropractic practice is adding some massage therapists to my practice in addition to another chiropractor who's going to come in and share space with me. The impact of that is going to be minimal because we're going to have opposite sharing hours so the additional traffic that may be affected is probably four cars an hour and within the day maybe four or six hours out of the whole day.

Mr. Rosen: So, you're scaling back your own practice and bringing someone else in?

Dr. Hokanson: Correct.

Mr. Rosen: The massage therapist will be working at the same time?

Dr. Hokanson: Correct. The hours will be about the same.

Mr. Gordon: What are they?

Dr. Hokanson: They're 8:00 to 7:00. On Saturdays I typically will do maybe every other Saturday but with the addition I'll have every Saturday. Sometimes I'm there just a couple of ours and sometimes I don't see anybody. It depends.

Mr. Gordon: Would that be from mid day to, say, 5:00?

Dr. Hokanson: No, it would be more like 8:00 or 9:00 in the morning until maybe noontime or 1:00.

Mr. Rosen: Ron, what are the current hours?

Mr. Alarie: I have in the original permit that was issued in 1999 8:00 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. until 12:00 noon on Saturday.

Dr. Hokanson: We might end up going more till 1:00 on Saturdays.

Mr. Rosen: How long was the last renewal period?

Mr. Rosen: The original one was in 1999 until 2002. That was five years until 07. I don't see another one after that. I thought we had another one on 03 but that was just for the garage.

Dr. Hokanson: That was the addition.

Mr. Rosen: My inclination would have been if you've been extending the practice to just let it go as long as you own the building, but I want to set a time limit with someone else coming in and just see what goes on.

Does anyone have any questions?

Mr. Gordon: Is there adequate parking Ron?

Mr. Alarie: Yes, there's a lot. When this site was originally developed it was purely for business purposes. There was a group that did therapy and had hours. They developed quite an extensive lot around the back of the property.

Mr. Gordon: So there's plenty of parking there.

Mr. Rosen: Is there anyone else?

Mr. Confalone: Ron, there haven't been any complaints?

Mr. Alarie: No.

Mr. Rosen: Is there anyone in attendance who wishes to be heard on the matter? There being none, we'll take the matter under advisement and notify you of our decision.

Decision

On January 5, 2010, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Dr. Craig Hokanson, 196 Main Street, Shrewsbury, MA, for the renewal of the special permit issued in accordance with Section VI, Table I, of the Town of Shrewsbury Zoning Bylaw to allow the continued use of property located at 196 Main Street for the practice of chiropractic medicine and related services.

Dr. Hokanson, who resides upon the subject premises, was initially granted a special permit in February of 1999 which allowed him to conduct his chiropractic business from this location. That approval was issued for a period of three years and was subsequently extended by the board in April of 2002. He now appeals to the board for a renewal of the special permit and to allow additional medical services to be provided in conjunction with his chiropractic services.

Upon review of this appeal, the board found that the conduct of Dr. Hokanson's business has not created any condition which has adversely affected the welfare of either the general public or area residents and that the business use of this site for medical purposes was consistent with both the spirit and intent of the Zoning Bylaw. They found that the inclusion of massage therapy as a service provided within his office would compliment the chiropractic services that he provides and that this added activity would not materially change the businesses character of this property. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. Business hours shall be limited to those hours between 8:00 A.M. and 7:00 P.M., Monday through Friday, and from 8:00 A.M. to 1:00 P.M. on Saturdays.
2. The rights authorized by the issuance of this special permit shall remain in effect for a period of five years, said period commencing on the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes



BUILDING INSPECTOR

**RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398
Telephone 508-841-8512 Fax 508-841-8414**

April 29, 2015

Dear Mr. Hokanson
196 Main Street
Shrewsbury, MA 01545

RE: 196 Main Street – ZBA application status

Dear Mr. Hokanson,
Please see the attached document from the Town of Shrewsbury Treasurer's Office. Based on this information, your ZBA application cannot be placed on the May 2015 agenda unless you satisfy your obligation to the treasurer's office before May 1, 2015.

Also, as a follow up to our conversation when you submitted your ZBA application for review, you stated to me that you are at the office daily and you are still part of the daily business operation. Please be advised that the receptionist answering the phone at 508 842 4774 on Wednesday, April 29th at 9:00 AM responded to me when I asked to speak with you, "Mr. Hokanson no longer works here". I clarified that I was calling 196 Main Street and she confirmed that was correct.

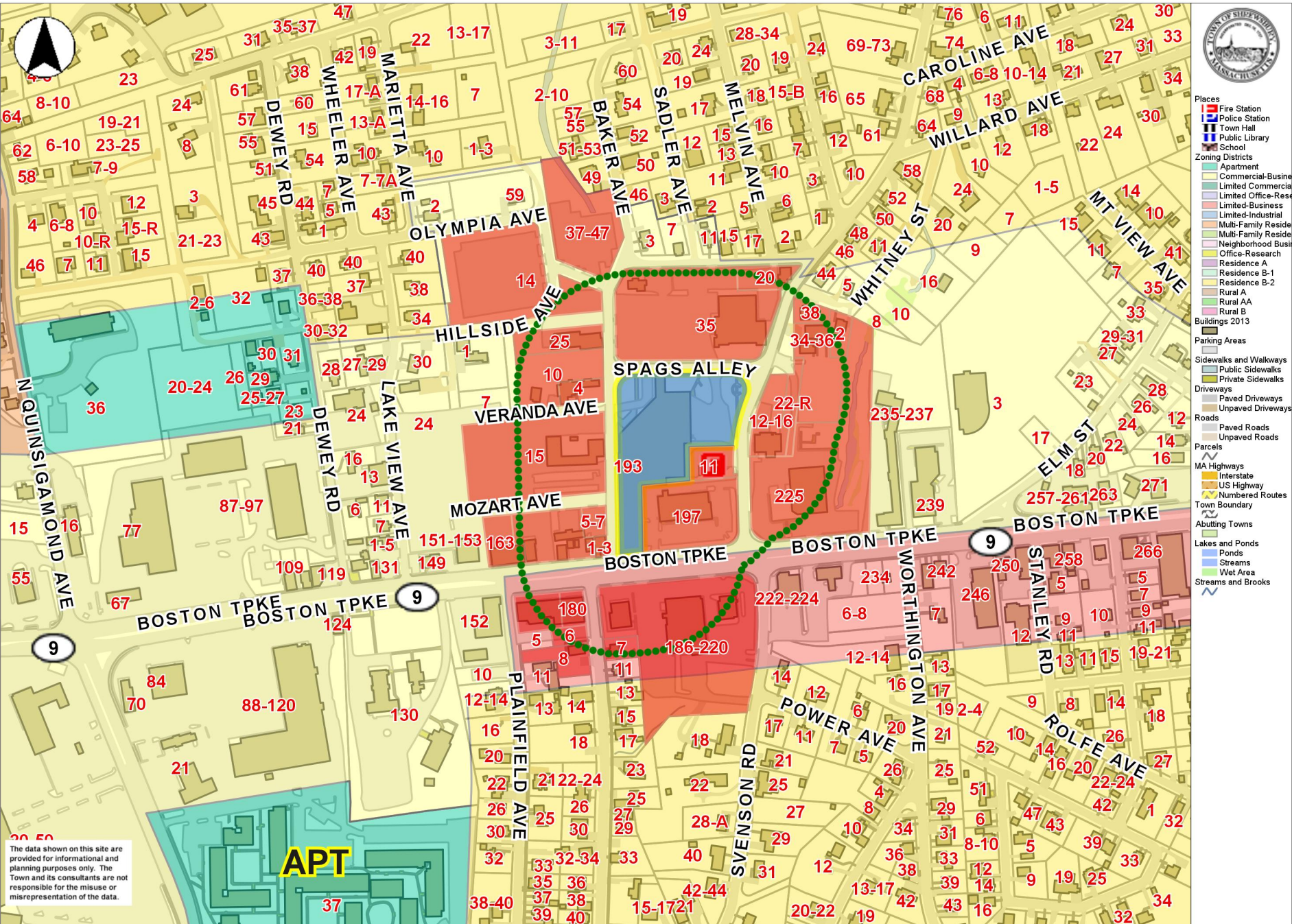
Sincerely,

Patricia Sheehan

Patricia Sheehan
Inspector of Buildings

Hearing

4



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

2015 MAY -1 PM 3:09

SHREWSBURY, MASS

ZONING BOARD OF APPEALS
TOWN OF SHREWSBURY
MASSACHUSETTS

FORM OF APPEAL

Name of Appellant Douglas Thomson
 Address of Appellant 8 Baker St Warren RI 02885
 Phone 401-286-4735 Fax _____
 Email DCFT@yahoo.com
 Owner of Subject Property SREV, LLC
 Address of Owner 319 Lincoln St Hingham, MA 02043
 Phone 617-939-7444 Fax 617-969-1965
 Email _____

Location of Subject Property 133 Boston Turnpike Shrewsbury, Ma
 Tax Plate 32 Plot 97, 71, 97-1, 95, 87, 88, 89 01545
 Zoning District Commercial Business plot 71: 15 Baker Ave
 Appeal for (Variance, Special Permit, Other) Variance plot 50124 Lake View Ave
 Applicable Section of Zoning Bylaw Section VI Table I plot 66: 7 Cliff St.

Pertinent Information: Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected. If applying for a Variance, state reasons for hardship: Slope, Soil, Topography, other. If applying for a Special Permit, state how project meets Special Permit criteria. (Attach extra pages if necessary).

Temporary variance Requested, will allow
outside retail sales by vendors

Hours 9-5 Saturday and Sunday

April to November MAX. 100 vendors

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter

Douglas Thomson 4/20/2015
Signature of Appellant Date

SREV, LLC
Signature of Property Owner(s) Date

By: Norman Jenkins 5/1/15
Signature of Property Owner(s) Date

Reviewed for content P. Shuman 5-1-15
Signature of Inspector of Buildings Date

PAID
Fax 508-841-8414

ZONING BOARD OF APPEALS

Form of Appeal Checklist

Not Applicable

Waiver Requested

Included

1	Assessor's Tax Map	REQUIRED	<input type="checkbox"/>	Assessor's Tax Map & Plot Plan required for all applications.
2	Plot Plan	REQUIRED	<input type="checkbox"/>	
a.	Plan fully complies with the ZBA Rules and Regulations.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	An alternate plan is submitted.	<input type="checkbox"/>	<input type="checkbox"/>	
<p><u>Reasons for submitting an alternate plan:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>				
3	Zoning Analysis Table	<input type="checkbox"/>	<input type="checkbox"/>	These items may not be required for all projects.
4	Parking Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Location of all building entrances or exits, drives, ways, parking lots, and loading areas	<input type="checkbox"/>	<input type="checkbox"/>	
6	Elevations and locations on the plan of all existing and proposed signs on the subject property	<input type="checkbox"/>	<input type="checkbox"/>	
7	Location of utility lines and connections on the subject property	<input type="checkbox"/>	<input type="checkbox"/>	
8	Location of all prominent vegetated areas	<input type="checkbox"/>	<input type="checkbox"/>	
9	Location of trash disposal areas for all uses other than single family and two family residences	<input type="checkbox"/>	<input type="checkbox"/>	
10	Drainage calculations, as necessary to demonstrate there will be no adverse impacts to adjacent properties or roadways	<input type="checkbox"/>	<input type="checkbox"/>	

I hereby request a waiver for those items marked as "waiver" and understand that my application will be considered incomplete until the Zoning Board of Appeals approves the waiver or the information is submitted. I further understand that an incomplete application extends the statutory decision deadlines.

Douglas R. Fina

Appellant's Signature

4/20/2015

Date

SPAG's FLEE Market

Traffic control:

Police traffic detail as required

Construction (orange) fencing to separate parking areas from entry driveway and Garden center parking and unloading areas

Attendant and signage to direct customers to appropriate parking area

Use of only one side of main central driveway cut

Vendors 120% outdoors
indoor also operating 20%
Crowd control:

Marked parking spaces and extensions used to form organized vendor areas with standard isles left clear for emergency vehicles if needed

Vendors not allowed to move vehicles or merchandise in or out during hours of operation

Construction fencing erected to keep areas off limits

Trash barrels provided at entry and exit customer parking area

Toilet facilities (porta-potty) on site for patron use

Lot and surrounding areas to be policed after every scheduled event

578 PARKING

Hours of Operation:

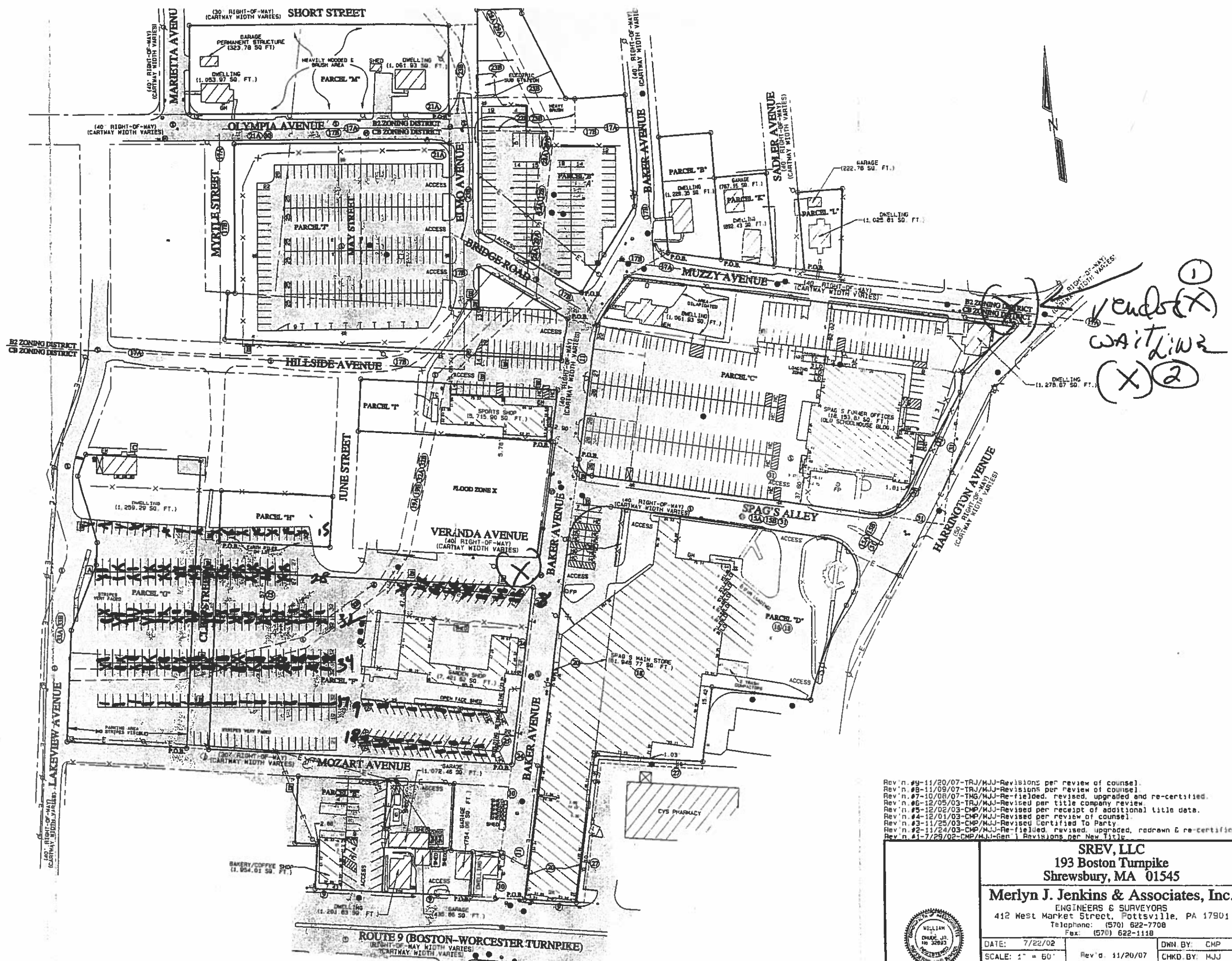
Saturday and Sunday

Setup- 7:00 AM

Show- 7 - 3:30 PM

Break down- After 2:30 PM

Trash cans collected by staff
demo stews commercially removed.



Rev'n #9-11/20/07-TRJ/MJJ-Revisions per review of counsel.
Rev'n #8-11/08/07-TRJ/MJJ-Revisions per review of counsel.
Rev'n #7-10/08/07-TWS/MJJ-Revised, revised, upgraded and re-certified.
Rev'n #6-12/05/03-TRJ/MJJ-Revised per title company review.
Rev'n #5-12/02/03-CMP/MJJ-Revised per receipt of additional title data.
Rev'n #4-12/01/03-CMP/MJJ-Revised per review of counsel.
Rev'n #3-11/25/03-CMP/MJJ-Revised Certified To Party.
Rev'n #2-11/24/03-CMP/MJJ-Revised, revised, upgraded, redrawn & re-certified.
Rev'n #1-7/29/02-CMP/MJJ-Gen 1 Revisions per New Title.

SREV, LLC 193 Boston Turnpike Shrewsbury, MA 01545		
Merlyn J. Jenkins & Associates, Inc. ENGINEERS & SURVEYORS 412 West Market Street, Pottsville, PA 17901 Telephone: (570) 622-7708 Fax: (570) 622-1118		
DATE: 7/22/02	Rev'd: 11/20/07	DWN BY: CMP
SCALE: 1" = 50'		CHKD BY: MJJ



Patty Sheehan

From: Patty Sheehan
Sent: Monday, May 04, 2015 10:03 AM
To: 'dcft@yahoo.com'
Subject: May meeting: 193 Boston Tpke ZBA application for outdoor retail sales to expand existing flea market

193 Boston Tpke ZBA application for outdoor retail sales to expand existing flea market

Please be advised that as the operator of the indoor flea market, there are zoning violations at 193 Boston Tpke. You have been informed several times that the outdoor signs on the sidewalk are in violation of the Zoning Bylaw yet there are placed on the sidewalk each weekend.

New Business

4/30/15.

RECEIVED
TOWN CLERK'S OFFICE

2015 MAY -1 AM 9:54

SHREWSBURY, MASS

TO

THE ZONING BOARD MEMBERS

100 MAPLE AVE, SHREWSBURY, MA-01545

Dear Members,

The purpose of this letter is to request to withdraw, the request of variance at 136 prospect street in shrewsbury. *IT WAS HEARD ON THE 27 OF APRIL 2015.*

Your Help would be greatly appreciated.

Thanking You,

Sincerely Yours,

A handwritten signature in dark ink, appearing to read 'Khaja Shamsuddin', with a large, stylized flourish at the end.

Khaja Shamsuddin

Trustee

Birch Brush Realty Trust.